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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64188

JULIE ANN GARCIA, PT
18428 Fajardo Street
Rowland Heights, CA 97148

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Physical Therapist License No. 28232
Physical Therapist Assistant License No. AT
3661

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his
official capacity as the Executive Officer of the Physical Therapy Board of California, State of
California and is represented in this matter by Edmund G. Brown Jr., Attorney General of the
State of California, by Jennevee H. de Guzman, Deputy Attorney General.

2. Respondent JULIE ANN GARCIA, PT (Respondent) is represented in this
proceeding by attorney Donald B. Brown, whose address is 3848 Carson Street, Suite 206
Torrance, California 90503.

1 3. On or about April 11, 2003, the Physical Therapy Board of California
2 issued Physical Therapist License No. 28232 to Respondent. The license was in full force and
3 effect at all times relevant to the charges brought herein and will expire on February 28, 2009,
4 unless renewed.

5 4. On or about October 20, 1994, the Physical Therapy Board of California
6 issued Physical Therapist Assistant License No. AT 3661 to Respondent. The license expired on
7 February 29, 2004, and has not been renewed.

8 **JURISDICTION**

9 5. Accusation No. 1D 2005 64188 was filed before the Physical Therapy
10 Board of California (Physical Therapy Board) for the Department of Consumer Affairs, State of
11 California, and is currently pending against Respondent. The Accusation and all other statutorily
12 required documents were properly served on Respondent on November 29, 2005. Respondent
13 timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 1D
14 2005 64188 is attached as exhibit "A" and incorporated herein by reference.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, discussed with counsel, and fully
17 understands the charges and allegations in Accusation No. 1D 2005 64188. Respondent has also
18 carefully read, discussed with counsel, and fully understands the effects of this Stipulated
19 Settlement and Disciplinary Order.

20 7. Respondent is fully aware of her legal rights in this matter, including the
21 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
22 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
23 the right to present evidence and to testify on her own behalf; the right to the issuance of
24 subpoenas to compel the attendance of witnesses and the production of documents; the right to
25 reconsideration and court review of an adverse decision; and all other rights accorded by the
26 California Administrative Procedure Act and other applicable laws.

27 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
28 each and every right set forth above.

1 **CULPABILITY**

2 9. Respondent admits the truth of the charges and allegations (Bus. & Prof.
3 Code, §§ 726, 2660.1, 2660, subd. (h)) in Accusation No. 1D 2005 64188.

4 10. Respondent agrees that her Physical Therapist License No. PT 28232 and
5 Physical Therapist Assistant License No. AT 3661 is subject to discipline and she agrees to be
6 bound by the Physical Therapy Board's imposition of discipline as set forth in the Disciplinary
7 Order below.

8 **RESERVATION**

9 11. The admissions made by Respondent herein are only for the purposes of
10 this proceeding, or any other proceedings in which the Physical Therapy Board of California,
11 Department of Consumer Affairs, or other professional licensing agency is involved, and shall
12 not be admissible in any other criminal or civil proceeding.

13 **CONTINGENCY**

14 12. This stipulation shall be subject to approval by the Physical Therapy Board
15 of California. Respondent understands and agrees that counsel for Complainant and the staff of
16 the Physical Therapy Board of California may communicate directly with the Physical Therapy
17 Board regarding this stipulation and settlement, without notice to or participation by Respondent
18 or her counsel. By signing the stipulation, Respondent understands and agrees that she may not
19 withdraw her agreement or seek to rescind the stipulation prior to the time the Physical Therapy
20 Board considers and acts upon it. If the Physical Therapy Board fails to adopt this stipulation as
21 its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
22 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
23 and the Physical Therapy Board shall not be disqualified from further action by having
24 considered this matter.

25 **OTHER MATTERS**

26 13. The parties understand and agree that facsimile copies of this Stipulated
27 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
28 force and effect as the originals.

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IT IS HEREBY ORDERED that Physical Therapist License No. PT 28232 and Physical Therapist Assistant License No. AT 3661 issued to Respondent JULIE ANN GARCIA, PT is revoked. However, the revocation is stayed and Respondent is placed on probation for seven (7) years on the following terms and conditions.

2. RESTRICTION OF PRACTICE - SUPERVISION REQUIRED

Respondent shall only practice physical therapy under the supervision of a physical therapist who holds a valid unrestricted license, and who is responsible for the care rendered.

4. RESTRICTION OF PRACTICE - SOLO PRACTICE The respondent shall be prohibited from engaging in the solo practice of physical therapy.

6. RESTRICTION OF PRACTICE - PROHIBITION OF SELF EMPLOYMENT OR OWNERSHIP Respondent shall not be the sole proprietor or partner in the ownership of any business that offers physical therapy services. Respondent shall not be a Board member or an officer or have a majority interest in any corporation that offers or provides physical therapy services.

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1 patients. Respondent shall, within 10 days of the effective date of the decision, submit to the
2 Board or its designee for its approval name(s) of person(s) who will act as the third party present.
3 The respondent shall execute a release authorizing the third party present to divulge any
4 information that the Board may request during interviews by the probation monitor on a periodic
5 basis. The person(s) acting in the role of the third party present shall be provided with a copy of
6 the Accusation and Decision and Order.

7 8. NOTIFICATION TO PATIENTS The respondent shall notify all current
8 and potential patients of any term or condition of probation which will affect their treatment or
9 the confidentiality of their records (such as a condition for a professional practice monitor). Such
10 notification shall be signed and dated by each patient prior to the commencement or continuation
11 of any examination or treatment of each patient by the respondent and a copy of such notification
12 shall be maintained in the patient's record.

13 Failure to comply with any component of this condition as specified above is a
14 violation of probation.

15 9. EDUCATION COURSE Within 30 days of the effective date of this
16 Decision, respondent shall submit to the Board, or its designee, for prior approval, a continuing
17 education course in ethics. Respondent shall supply documentation verifying satisfactory
18 completion of the course work. This will be signed by the instructor(s) of the courses and
19 evidence, if applicable, of passing grades on exams/tests given by the instructor. Failure to
20 comply with this condition as specified above is a violation of probation.

21 10. PROBATION MONITORING COSTS Respondent shall reimburse all
22 costs incurred by the Board for probation monitoring during the entire period of probation.
23 Respondent will be billed at least quarterly. Such costs shall be made payable to the Physical
24 Therapy Board of California. Failure to make ordered reimbursement within 60 days of the
25 billing shall constitute a violation of the probation order.

26 11. COST RECOVERY The respondent is ordered to reimburse the Board
27 the actual and reasonable investigative and prosecutorial costs incurred by the Board in the
28 amount of \$6,890. Respondent shall pay \$3,000 of said costs within ninety (90) days of the

1 effective date of the Decision. The remaining balance shall be paid in twelve equal monthly
2 payments in the amount of not less than \$324.17 commencing 120 days from the effective date of
3 the Decision. In the event Respondent fails to pay \$3,000 within ninety (90) days of the
4 Decision, the full amount of costs shall be immediately due and payable. Failure to pay the
5 ordered reimbursement, or any agreed upon payment, may constitute a violation of the probation
6 order. The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility
7 to reimburse the Board. If Respondent is in default of her responsibility to reimburse the Board,
8 the Board will collect cost recovery from the Franchise Tax Board, the Internal Revenue Service
9 or by any other means of attachment of earned wages legally available to the Board. Failure to
10 fulfill the obligation could also result in attachment to the Department of Motor Vehicle
11 registrations and/or license renewals.

12 12. OBEY ALL LAWS Respondent shall obey all federal, state and local
13 laws, and statutes and regulations governing the practice, inspections and reporting, of physical
14 therapy in California and remain in full compliance with any court ordered criminal probation.

15 13. COMPLIANCE WITH ORDERS OF A COURT The respondent shall be
16 in compliance with any valid order of a court. Being found in contempt of any court order is a
17 violation of probation.

18 14. QUARTERLY REPORTS Respondent shall submit quarterly
19 declarations under penalty of perjury on forms provided by the Board, stating whether there has
20 been compliance with all the conditions of probation.

21 15. PROBATION MONITORING PROGRAM COMPLIANCE Respondent
22 shall comply with the Board's probation monitoring program.

23 16. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent
24 shall appear in person for interviews with the Board, or its designee, upon request at various
25 intervals.

26 17. NOTIFICATION OF PROBATIONER STATUS TO EMPLOYERS The
27 respondent shall notify all present or future employers of the reason for and the terms and
28 conditions of the probation by providing a copy of the Initial Probationary License, Statement of

Issues, Accusation and the Decision and Order, or Stipulated Settlement to the employer, and submit written employer confirmation of receipt to the Board within 10 days. The notification(s) shall include the name, address and phone number of the employer, and, if different, the name, address and phone number of the work location.

18. NOTIFICATION OF CHANGE OF NAME OR ADDRESS The respondent shall notify the Board, in writing, of any and all name and/or address changes within ten (10) days.

19. RESTRICTION OF PRACTICE - TEMPORARY SERVICES AGENCIES The respondent shall not work for a temporary services agency or registry.

20. RESTRICTION OF PRACTICE - CLINICAL INSTRUCTOR OF PHYSICAL THERAPY STUDENT INTERNS OR FOREIGN EDUCATED PHYSICAL THERAPIST LICENSE APPLICANTS PROHIBITED Respondent shall not supervise any physical therapy student interns or foreign educated physical therapist license applicants during the entire period of probation. Respondent shall terminate any such supervisory relationship in existence on the effective date of this probation.

21. PROHIBITED USE OF ALIASES Respondent may not use aliases and shall be prohibited from using any name which is not her legally-recognized name or based upon a legal change of name.

22. INTERMITTENT WORK If the respondent works less than 192 hours as a physical therapist or a physical therapist assistant in the physical therapy profession in a period of three months, those months shall not be counted toward satisfaction of the probationary period. The respondent shall notify the Board if she works less than 192 hours in a three month period.

23. TOLLING OF PROBATION The period of probation shall run only during the time respondent is practicing or performing physical therapy within California. If, during probation, respondent does not practice or perform within California, respondent is required to immediately notify the probation monitor in writing of the date that respondent is practicing or performing physical therapy out of state, and the date of return, if any. Practicing or

performing physical therapy by the respondent in California prior to notification to the Board of the respondent's return will not be credited toward completion of probation. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled.

24. VIOLATION OF PROBATION If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

25. REQUEST TO SURRENDER LICENSE DUE TO RETIREMENT, HEALTH OR OTHER REASONS Following the effective date of this probation, if respondent ceases practicing or performing physical therapy due to retirement, health or other reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request to surrender her license to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the tendered license, the terms and conditions of probation shall be tolled until such time as the license is no longer renewable, the respondent makes application for the renewal of the tendered license or makes application for a new license.

26. COMPLETION OF PROBATION Upon successful completion of probation, respondent's license shall be fully restored.

27. CALIFORNIA LAW EXAMINATION - WRITTEN EXAM ON THE LAWS AND REGULATIONS GOVERNING THE PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY Within 90 days of the effective date of this decision, respondent shall take and pass the Board's written examination on the laws and regulations governing the practice of physical therapy in California. If respondent fails to pass the examination, respondent shall be suspended from the practice of physical therapy until a repeat examination has been successfully passed.

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California, Department of Consumer Affairs of the State of California.

DATED: March 26, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California

GAIL M. HEPPELL
Supervising Deputy Attorney General

Original Signed By:
JENNEVEE H. DE GUZMAN
Deputy Attorney General

Attorneys for Complainant

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Physical Therapist License No. 28232
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3661

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective on July 1, 2007.

It is so ORDERED June 1, 2007.

Original Signed By: Nancy Krueger, PT-President
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA